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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DASHAWN AKI WELLS,

Defendant and Appellant.

D060145

(Super. Ct. No. JCF25862)

APPEAL from a judgment of the Superior Court of Imperial County,
Christopher W. Yeager, Judge. Affirmed.

Dashawn Aki Wells appeals following the trial court's revocation of his probation for his earlier conviction of transportation of marijuana (Health & Saf. Code, § 11360, subd. (a)).

In September 2010, Wells was granted probation following his plea of no contest to transportation of marijuana. In February 2011, the probation officer filed a petition to revoke probation.

In April 2011, the court held a hearing on the probation officer's petition. At the request of defense counsel the court held an in camera hearing on the defense request to disclose the name of a confidential informant. After the in camera review, the court found the informant was not a percipient witness to any of the material events leading to probation revocation and denied the motion to disclose the identity of the informant.

Following an evidentiary hearing, the court revoked probation and sentenced Wells to the middle term of two years in prison. Wells filed a timely notice of appeal.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Edwards the opportunity to file a brief in his own behalf, but Wells has not responded.

STATEMENT OF FACTS

While on probation for transportation of marijuana, Wells was stopped by police for speeding on the freeway. Wells was the driver of the car, but did not have a license in his possession. There were other passengers in the car. The officer smelled marijuana in the car and asked Wells about it. Wells stated he had a pound and a half in the trunk of the car. The officer found marijuana in the trunk of the car.

After waiving his *Miranda*¹ rights, Wells stated he intended to give the marijuana to a friend in order to sell it and that he would double his money.

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

On cross-examination, the officer stated he had been watching for Wells's vehicle when it drove by, based on information from a confidential informant.

Wells testified in his own behalf. He testified he was a member of the Quechan tribe in Winterhaven, California and that he had purchased medical marijuana in San Diego with a doctor's approval. Wells said he purchased a pound and a half in order to avoid frequent trips from his home to San Diego. Wells denied selling marijuana or that he ever gave it to a friend to sell.

DISCUSSION

As we have previously noted, appellate counsel has filed a brief indicating he is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies the possible, but not arguable issue:

1. Whether Wells was denied his right to confront witnesses when the trial court denied his motion to identify the confidential informant.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Wells on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

IRION, J.